UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,181	12/07/2001	L. Michael Maritzen	Sony-00500	5866

7590 06/24/2004	EXAMINER
Valley Oak Law	WASSUM, LUKE S
#106	
5655 Silver Creek Valley Road	
San Jose, CA 95138	

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *01132003,01092004+*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.
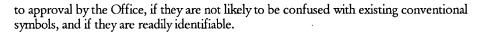
DETAILED ACTION

The Invention

1.   The claimed invention is a system for a context-aware switching model enabled between

different access points such as web sites.

Information Disclosure Statement

2.   The Applicants' Information Disclosure Statements, filed 13 January 2003, 9 January 2004

and 18 May 2004, have been received and entered into the record. Since the Information Disclosure

Statements comply with the provisions of MPEP § 609, the references cited therein have been

considered by the examiner. See attached forms PTO-1449.

Drawings

3.   The drawings are objected to because they fail to show necessary textual labels of features or

symbols in Figs. 1-3 as described in the specification. For example, placing a label, "fingerprint

touch pad", with element 230 of Fig. 2, would give the viewer necessary detail to fully understand

this element at a glance. A descriptive textual label for each numbered element in these figures

would be needed to better understand these figures without substantial analysis of the detailed

specification. Any structural detail that is of sufficient importance to be described should be labeled

in the drawing. Optionally, the applicant may wish to include a table next to the present figure to

fulfill this requirement. See 37 CFR 1.84(n)(o), recited below:

> "(n) Symbols. Graphical drawing symbols may be used for conventional elements
> when appropriate. The elements for which such symbols and labeled representations are
> used must be adequately identified in the specification. Known devices should be illustrated
> by symbols which have a universally recognized conventional meaning and are generally
> accepted in the art. Other symbols which are not universally recognized may be used, subject

to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

4.   Furthermore, the application includes informal (handdrawn) drawings. While these drawings are acceptable for examination purposes, the examiner encourages the Applicant to submit formal drawings at the earliest opportunity. Early submission of formal drawings will help expedite post-allowance processing and publication of the issued patent.

Specification

5.   The disclosure is objected to because of the following informalities:

The specification includes a claim to domestic priority under 35 U.S.C. § 119(e) to an unnamed provisional U.S. Patent. The examiner has failed to find a corresponding provisional application. The Applicants are required to amend the specification to remove the reference to the unnamed provisional application.

In paragraph [0037] (as submitted), there is a typographical error:

"PTD 130" should be "PTD 170".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-7, 9-11, 13-15, 17-20, 22-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by **Fortenberry et al.** (U.S. Patent 6,005,939).

8.   Regarding claim 1, **Fortenberry et al.** teaches a transaction device for interfacing with a user as claimed, comprising:

> a) a context data module for capturing and distributing context data (see disclosure of the passport agent, col. 5, line 62 through col. 6, line 7); and
>
> b) a storage device connected to the context data module for storing the context data (see disclosure of the passport database, col. 5, line 62 through col. 6, line 7).

9.   Regarding claim 9, **Fortenberry et al.** teaches a method as claimed, comprising:

> a) capturing context data on a transaction device (see disclosure of the passport agent, col. 5, line 62 through col. 6, line 7);
>
> b) storing the context data on a storage device (see disclosure of the passport database, col. 5, line 62 through col. 6, line 7); and
>
> c) distributing the context data from the storage device to a remote location (see disclosure of the release of user information from the passport server to a web site, col. 6, lines 15-46).

10.   Regarding claim 18, **Fortenberry et al.** teaches a method as claimed, comprising:

   a) capturing context data on a transaction device in response to a user input (see disclosure

      of the passport agent, col. 5, line 62 through col. 6, line 7); and

   b) receiving the context data in a remote location thereby obviating a redundant user input

      (see disclosure of the release of user information from the passport server to a web

      site, col. 6, lines 15-46; see also disclosure that it would be desirable to allow a user to

      specify particular information once and have the information be used each time the

      user accesses any site on the public network, col. 1, lines 45-48).

11.   Regarding claim 22, **Fortenberry et al.** teaches a computer-readable medium having

computer instructions for performing a method comprising:

   a) capturing context data on a transaction device (see disclosure of the passport agent, col. 5,

      line 62 through col. 6, line 7);

   b) storing the context data on a storage device (see disclosure of the passport database, col.

      5, line 62 through col. 6, line 7); and

   c) distributing the context data from the storage device to a remote location (see disclosure

      of the release of user information from the passport server to a web site, col. 6, lines

      15-46).

12.   Regarding claims 2-5, 17, 19 and 26, **Fortenberry et al.** additionally teaches a transaction

device, method and computer-readable medium further comprising interfaces for receiving pre-

selected distribution and context data preferences, and whereby context data is captured and

distributed in accordance with said preferences (see disclosure of the ability to assign security levels

to each item of information, col. 2, lines 17-23 and col. 7, lines 24-33; see also the distinction between real information and virtual information, col. 6, line 52 through col. 7, line 23).

13.   Regarding claims 6, 7, 10, 11 and 20, **Fortenberry et al.** additionally teaches a transaction device and method wherein the context data includes personal and financial data (see col. 1, lines 20-37).

14.   Regarding claim 13, **Fortenberry et al.** additionally teaches a method wherein the remote location is a website (see col. 1, lines 13-20).

15.   Regarding claims 14 and 23, **Fortenberry et al.** additionally teaches a method and computer-readable medium wherein the remote location is a transaction privacy clearing house (see disclosure of the problem to be solved, col. 1, lines 13-49).

16.   Regarding claims 15 and 24, **Fortenberry et al.** additionally teaches a method and computer-readable medium wherein the storage device is within the transaction device (see disclosure of the passport database within the passport agent, col. 5, line 62 through col. 6, line 7).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18.   The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

19.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20.   Claims 8, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fortenberry et al.** (U.S. Patent 6,005,939) as applied to claims 1-7, 9-11, 13-15, 17-20, 22-24 and 26 above, and further in view of **Furst** (U.S. Patent 6,297,819).

21.   Regarding claims 8, 12 and 21, **Fortenberry et al.** teaches a transaction device, method and

computer-readable medium substantially as claimed.

Fortenberry et al. does not explicitly teach a transaction device, method and computer-

readable medium wherein the context data includes website visitation history of the user.

Furst, however, teaches a transaction device, method and computer-readable medium

wherein the context data includes website visitation history of the user (see col. 1, line 65 through

col. 2, line 4; see also col. 3, lines 7-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to

include website visitation history in the context data, since website visitation history can be used to

help find goods and services that a user might be seeking (see col. 3, lines 15-39).

22.   Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fortenberry et al. (U.S. Patent 6,005,939) as applied to claims 1-7, 9-11, 13-15, 17-20, 22-24 and 26

above, and further in view of **Stolfo et al.** (U.S. Patent Application Publication 2004/0002903).

23.   Regarding claims 16 and 25, **Fortenberry et al.** teaches a method and computer-readable

medium substantially as claimed.

Fortenberry et al. does not explicitly teach a method and computer-readable medium wherein the storage device is outside the transaction device.

Stolfo et al., however, teaches a method and computer-readable medium wherein the storage device is outside the transaction device (see paragraphs [0082] through [0084]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to maintain the storage device outside the transaction device, since the context data would then be more conveniently accessed and available for use by other transaction processors.

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Low et al. (U.S. Patent 5,420,926) teaches a technique for performing credit card transactions without disclosing the subject matter of the transaction to the institution providing the credit card.

Egendorf (U.S. Patent 5,794,221) teaches an Internet billing method comprising establishing an agreement between an Internet access provider and a customer.

Teper et al. (U.S. Patent 5,815,665) teaches an online brokering service that provides user authentication and billing services to allow users to anonymously and securely purchase online services from service provider sites over the Internet.

Doeberl et al. (U.S. Patent 6,237,033) teaches a system for enabling a user of a computer attached to a computer network to manage user-characterizing network protocol headers.

Glommen et al. (U.S. Patent 6,393,479) teaches an Internet-based analysis tool that follows, in real-time, the flow of traffic through a website.

Berman (U.S. Patent 6,523,116) teaches a database system for personal information that includes storing personal information in a database remote from the person using the public key of a person as an identifier.

Musgrove et al. (U.S. Patent 6,535,880) teaches an on-line commerce method that allows a user to select products for purchase from a plurality of merchant servers.

Wallace et al. (U.S. Patent 6,601,170) teaches a system for creating secure Internet user states between one of more servers and one or more users.

Musgrove et al. (U.S. Patent 6,714,933) teaches a method of aggregating product information from a plurality of sources in a networked computer environment.

Musgrove et al. (U.S. Patent 6,725,222) teaches an on-line commerce method that allows a user to select products for purchase from a plurality of merchant servers.

Boyles et al. (U.S. Patent 6,738,901) teaches a system for customizing individual internet access including a server that registers a user with the system, stores information pertaining to Internet sites the user is authorized to access, and controls the user's access to Internet sites.

Bisbee et al. (U.S. Patent Application Publication 2002/0184217) teaches a system for providing user logon and stateless authentication in a distributed environment.

Salmenkaita et al. (U.S. Patent Application Publication 2002/0188589) teaches a distributed recommendation system that provides greater privacy for the user's private information.

Salmenkaita et al. (U.S. Patent Application Publication 2003/0004937) teaches a

distributed recommendation system that provides greater privacy for the user's private information.

Mazzitelli (U.S. Patent Application Publication 2003/0074432) teaches a method for

managing state data.

Song et al. (U.S. Patent Application Publication 2004/0049673) teaches a data processing

method including retrieving client state information from a remote location associated with a client

device and using the client state information for access of network locations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luke S. Wassum
Art Unit 2177

lsw
23 June 2004